

the head, loss of memory, general debility \* \* \* lend themselves in a most admirable manner to the curing of diseases of the liver, the skin, pimples, herpes, malarial fever, rheumatism, rickets, etc. etc. all tumors, ulcers, syphilis, scrofula, \* \* \* wasting \* \* \* pimples, \* \* \* carbuncles and virulent tumors \* \* \* catarrh \* \* \* sexual debility \* \* \* boils and small tumors \* \* \* eczema \* \* \* cutaneous diseases \* \* \* diseases peculiar to women \* \* \* epilepsy \* \* \* erysipelas \* \* \* scrofula \* \* \* spermatorrhoea \* \* \*," whereas the said drug contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it, and the statements on the labels and packages and in the circulars were false and fraudulent.

On June 13, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of in accordance with the provisions of the Food and Drugs Act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10870. Adulteration and misbranding of pie fillings. U. S. v. Burton D. Smith and John B. Hecox (Consumers Supply Co.). Plea of guilty. Fine, \$75. (F. & D. No. 14924. I. S. Nos. 648-t, 649-t, 650-t.)**

On August 10, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burton D. Smith and John B. Hecox, copartners, trading as Consumers Supply Co., Portland, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 26, 1920, from the State of Michigan into the State of Wisconsin, of quantities of orange filling, ox-heart cherry filling, and pineapple filling, respectively, which were adulterated and misbranded. The articles were labeled in part: "Consumers Orange Filling" (or "Ox-Heart Cherry Filling" or "Pineapple Filling") "For Pies, Cakes, Puddings and Desserts \* \* \* Manufactured, Sold and Guaranteed by Consumers Supply Company Portland, Michigan, U. S. A. \* \* \*."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they were colored powders, containing cornstarch, sugar, salt, citric acid, flavor, and coal-tar color.

Adulteration of the articles was alleged in the information for the reason that mixtures composed in large part of cornstarch and which contained no egg or orange juice, cherry juice, or pineapple juice, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for orange filling, cherry filling, or pineapple filling, as the case might be, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to orange filling, cherry filling, and pineapple filling, to wit, mixtures composed in large part of cornstarch and which contained no egg, or orange juice, cherry juice, or pineapple juice, as the case might be, prepared in imitation of orange filling, cherry filling, and pineapple filling, respectively, and were colored with certain coal-tar dyes, to wit, Orange I, Amaranth, and Tartrazine, respectively, so as to simulate the appearance of orange filling, cherry filling, and pineapple filling, as the case might be, and in a manner whereby their inferiority to said pie fillings was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Orange Filling" (or "Cherry Filling" or "Pineapple Filling") "For Pies, Cakes, Puddings and Desserts," "Contains all the necessary ingredients," "Saves the cost of eggs that would ordinarily be used," and "Guaranteed to conform to National \* \* \* Food Laws," borne on the labels attached to the cans containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that said articles were orange filling, cherry filling, or pineapple filling, as the case might be, which contained all the necessary ingredients, including eggs, for making pies, cakes, puddings, and desserts, and that they conformed to the requirements of the Food and Drugs Act of June 30, 1906, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were orange filling, cherry filling, or pineapple filling, as the case might be, which contained all the necessary ingredients, including egg, for making pies, cakes, puddings, and desserts, and that they conformed to the requirements of the Food and Drugs Act of June 30, 1906, whereas, in truth and in fact, they were

not orange filling, cherry filling, or pineapple filling, as the case might be, but were mixtures, artificially colored, largely composed of cornstarch, and which contained no egg or any orange juice, cherry juice, or pineapple juice, and which had no value as orange filling, cherry filling, or pineapple filling, as the case might be, for making pies, cakes, puddings, and desserts, and said articles did not conform to the Food and Drugs Act of June 30, 1906.

On December 2, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10871. Adulteration and misbranding of lemon pie filling. U. S. v. Wolverine Spice Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14925. I. S. Nos. 3455-t, 10274-t, 11527-t.)**

On October 18, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wolverine Spice Co., a corporation, Grand Rapids, Mich., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about October 18, 1919, and May 24 and 29, 1920, from the State of Michigan into the States of Colorado, Indiana, and Minnesota, respectively, of quantities of lemon pie filling which was adulterated and misbranded. The article was labeled in part: (Packages) "The Quality Way Py-E-Ta \* \* \* A Mixture for Making Lemon Pie and Other Desserts Net Weight 8 Ounces \* \* \* Wolverine Spice Co. Grand Rapids, Michigan."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of cornstarch, citric acid, and corn sugar, flavored with lemon oil. A portion of the packages contained less than the quantity declared on the labels.

Adulteration of the article was alleged in the information for the reason that a mixture composed in large part of cornstarch, citric acid, and corn sugar, flavored with lemon oil, and which contained no eggs, had been substituted in whole or in part for a mixture for making lemon pie, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "A Mixture for Making Lemon Pie," "Guaranteed to make better pies than can be made from fresh lemons and contains in concentrated form the same ingredients as used by the housewife," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, and the statement, to wit, "Net Weight 8 Ounces," borne on a portion of the said packages, were false and misleading in that the said statements represented that the article was a mixture for making lemon pie, that it was a substitute for fresh lemons in making lemon pies, and that it contained the same ingredients as used by the housewife in making lemon pies, and that a portion of the said packages contained 8 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a mixture for making lemon pie, that it was a substitute for fresh lemons in making lemon pies, and that it contained the same ingredients as used by the housewife in making lemon pies, and that a portion of the said packages contained 8 ounces net of the said articles, whereas, in truth and in fact, it was not a mixture for making lemon pies, was not a substitute for fresh lemons in making lemon pies, and did not contain the same ingredients as used by the housewife in making lemon pies, but was a mixture composed in large part of cornstarch, citric acid, and corn sugar, flavored with lemon oil and which contained no eggs and which had no value as a mixture for making lemon pies, and a portion of the said packages did not contain 8 ounces net weight of the article, but did contain a less amount.

On December 22, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**10872. Misbranding of Savanol. U. S. v. 7 Dozen Bottles of Savanol. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 15217. S. No. W-990.)**

On July 19, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 dozen bottles of Savanol, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by G. P.